

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:	Johannes BRUSKE et al.	Confirmation:	7521
Serial No.:	10/539,293	Group Art Unit:	3765
Filed:	June 16, 2005	Examiner:	R. H. Muromoto, Jr.
For:	SHAFT FRAME AND HEDDLE SHAFT FOR POWER LOOMS		

REPLY BRIEF ON APPEAL

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

August 3, 2009

Sir:

This is a reply to the Examiner's Answer issued June 1, 2009.

On page 3 of the Answer, the Examiner has stated that

"The heddle rail 1a is clearly composed of two opposing members (Jibs, spring legs) 1a (upper and lower). The opposing members both have heddle receiving portions.

Nussbaum discloses that both opposing members can be attached to the frame by spring members or that only one of the opposing members is attached to the frame by spring while the other is rigidly attached."

Initially, it should be pointed out that the reference numeral 1a of Nussbaum does not refer to a single member, or a rail of any kind, but rather to one of a pair of spaced members that connect respective upper and lower rails 2 to the frame. It is the respective rails 2 that each engage in a respective end eyelet of a heddle and it is these rails 2 which are mounted on the frame so that at least one of the rails is moveable against the force of a spring in a direction toward and away from the opposite rail 2. It is again pointed out that this arrangement of Nussbaum wherein the two opposed rails

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may be moved toward and away from each other to vary the spacing between the two rails has nothing to do with the present invention. That is, according to the present invention as recited in each of the independent claims, only a single rail, i.e., either the upper rail or the lower rail, is being claimed, with the single rail being formed of two portions which are resilient relative to one another so as to in effect vary the width of individual rail as a result of being compressed in order to fit into an end eyelet. Moreover, according to each of the independent claims, both opposed portions extend into a single respective eyelet of a heddle. This is clearly not the case in Nussbaum wherein each of the opposed members, i.e., the upper rail 2 and the lower rail 2, each extend into a different end eyelet of the heddle.

In the paragraph beginning at the bottom of page 3 and continuing onto page 4 of the Answer, the Examiner has quoted the portion of the Nussbaum patent found in column 3, lines 29 to 47, which is the description of Figs. 10-12. The relevance of this description to the present invention is not understood. This description simply describes an alternative embodiment whereby the rails and the heddles mounted thereon can be mounted on or removed from the frame as a unit. In this case the rail 15, which is shown as a rail with double hooks 16 for the heddles, is provided with an additional hook 15a whereby the rail 15 can be connected or disconnected from the frame rod 1 by movement in a transverse direction, i.e., from the side of the frame or horizontally. Note that this transverse direction has nothing to do with the direction of the force provided by the springs, which is in the vertical direction.

On page 4 of the Answer, the Examiner has stated "Newly added amendments do not overcome the rejections as the rails shown do 'receive one or more heddles by

extending into a single end eyelet of each heddle'.". While the Examiner's statement may be true with regard to the Nussbaum disclosure, the present claims recite that the two opposed members are part of a single rail and extend into a single end eyelet, whereas in Nussbaum each of the rails or opposed members 2 extends into a separate different end eyelet.

In the paragraph beginning at the bottom of page 4 of the Answer, the Examiner has again discussed the embodiment of Fig. 10 of Nussbaum and again referred to the resiliency feature with regard to this embodiment. It is again pointed out that there is no teaching or suggestion in this patent of resiliency or force acting in the transverse direction, which is the direction of movement of the hook 15. In fact, and contrary to the position of the Examiner, there is no mention of any resiliency with regard to the embodiment of Fig.10 or of the two hooks 16. Moreover, the double hooks 16 of the rail 15 do **not** point away from each other as urged by the Examiner but rather extend in the same direction, and have no resiliency relative to one another. Additionally, each of the hooks 16 extends into a separate different eyelet of a heddle and not into a single same eyelet as recited in each of the independent claims. Note that the rail 15 is simply a special form of rail wherein heddles can be mounted facing in either direction, but otherwise is simply a stationary or movable rail similar to that of rail 2 of Fig. 1.

For the above stated additional reasons, it is submitted that all of the pending claims, i.e., claims 7-9 and 12-16, are allowable over the Nussbaum patent under 35

U.S.C. 102 and are in condition for allowance. Therefore, the reversal of the Examiner's final rejection and allowance of these claims is respectfully requested.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Andrew H. Tabin 30361

Norman N. Kunitz
Norman N. Kunitz, #20,586

Customer No. 42798

One Lafayette Centre
1120 - 20th Street, NW, Suite 750, South
Washington, DC 20036
(202) 419-7000 (telephone)
(202) 419-7007 (telecopier)
NNK: bms